

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

---

SEVENTY-FOURTH LEGISLATIVE DAY  
THURSDAY, MARCH 23, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Broadsword, Burtenshaw, Coiner, Corder, Fulcher, Gannon, Schroeder, Stegner, Stennett, Sweet, and Williams, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lana Infanger, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 22, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 23, 2006

The JUDICIARY AND RULES Committee reports that **S 1464, S 1465, S 1466, and S 1467** have been correctly printed.

DARRINGTON, Chairman

**S 1464, S 1465, S 1466, and S 1467** were referred to the Finance Committee.

March 22, 2006

The JUDICIARY AND RULES Committee reports that **S 1417, S 1443, S 1444, S 1445, S 1446, and S 1447** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1417, S 1443, S 1444, S 1445, S 1446, and S 1447**, and ordered them transmitted to the House for the signature of the Speaker.

March 22, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1430, S 1431, S 1432, S 1434, S 1435, and S 1436** were delivered to the Office of the Governor at 2:40 p.m., March 22, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senators Broadsword, Burtenshaw, Coiner, Corder, Fulcher, Stennett, Sweet, and Williams were recorded present at this order of business.

March 22, 2006

The JUDICIARY AND RULES Committee reports that **S 1389**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

**S 1389**, as amended in the House, was filed for first reading.

March 22, 2006

The FINANCE Committee reports out **H 817, H 818, H 826, H 827, and H 828** with the recommendation that they do pass.

CAMERON, Chairman

**H 817, H 818, H 826, H 827, and H 828** were filed for second reading.

March 22, 2006

The STATE AFFAIRS Committee reports out **S 1453** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1453** was filed for second reading.

March 22, 2006

March 23, 2006

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Brent Baker to the Lake Pend Oreille Basin Commission, term to expire July 24, 2008.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 22, 2006

The HEALTH AND WELFARE Committee reports out **HCR 53** and **H 663**, as amended, with the recommendation that they do pass.

COMPTON, Chairman

**HCR 53** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 663**, as amended, was filed for second reading.

March 22, 2006

The EDUCATION Committee reports out **H 742**, as amended, with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

GOEDDE, Chairman

**H 742**, as amended, was filed for second reading.

March 22, 2006

The EDUCATION Committee reports out **S 1438** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1438** was filed for second reading.

March 23, 2006

The FINANCE Committee reports out **S 1464**, **S 1465**, **S 1466**, and **S 1467** with the recommendation that they do pass.

CAMERON, Chairman

**S 1464**, **S 1465**, **S 1466**, and **S 1467** were filed for second reading.

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 705**, as amended, **H 735**, as amended, **H 758**, and **H 731** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 705**, as amended, **H 735**, as amended, **H 758**, and **H 731** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

Senators Gannon and Schroeder were recorded present at this order of business.

March 22, 2006

Mr. President:

I transmit herewith **H 829**, **H 830**, **H 831**, **H 822**, **H 825**, and **HCR 50**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 829**, **H 830**, **H 831**, **H 822**, **H 825**, and **HCR 50**, as amended, were filed for first reading.

March 22, 2006

Mr. President:

I transmit herewith **H 753**, as amended, **H 570**, as amended, **H 778**, as amended, **H 834**, and **H 814**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 753**, as amended, **H 570**, as amended, **H 778**, as amended, **H 834**, and **H 814**, as amended, were filed for first reading.

March 22, 2006

Mr. President:

I return herewith **S 1321**, **S 1379**, **S 1351**, **S 1352**, **S 1353**, **S 1296**, **S 1332**, as amended, **S 1403**, **S 1331**, **S 1297**, **S 1397**, and **S 1374** which have passed the House.

JUKER, Chief Clerk

**S 1321**, **S 1379**, **S 1351**, **S 1352**, **S 1353**, **S 1296**, **S 1332**, as amended, **S 1403**, **S 1331**, **S 1297**, **S 1397**, and **S 1374** were referred to the Judiciary and Rules Committee for enrolling.

President Risch assumed the Chair.

March 22, 2006

Mr. President:

I transmit herewith Enrolled **HCR 55, H 637, H 544, H 472**, as amended, **H 634**, as amended, **H 788, H 652, H 653, H 722, H 514, H 515, H 599, H 734, H 696, H 724, H 688, H 706**, and **H 443**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 55, H 637, H 544, H 472**, as amended, **H 634**, as amended, **H 788, H 652, H 653, H 722, H 514, H 515, H 599, H 734, H 696, H 724, H 688, H 706**, and **H 443**, as amended in the Senate, and ordered returned to the House.

March 22, 2006

Mr. President:

I return herewith **S 1363**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Andreason, granted by unanimous consent, **S 1363**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 22, 2006

Mr. President:

I return herewith **S 1300**, as amended, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Lodge, granted by unanimous consent, **S 1300**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1468**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO PROPERTY TAXES; REPEALING SECTION 63-802, IDAHO CODE, RELATING TO LIMITATION OF BUDGET REQUESTS OF TAXING DISTRICTS; AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-802B, IDAHO CODE, TO REQUIRE NOTICE OF PROPOSED PROPERTY TAX BUDGET

INCREASES OF TAXING DISTRICTS BEYOND A CERTAIN LEVEL, TO PROVIDE REQUIREMENTS FOR THE NOTICE, TO DEFINE A TERM, TO PROVIDE ALTERNATIVES TO NEWSPAPER NOTICE, TO PROVIDE FOR STATE TAX COMMISSION RULES AND TO LIMIT LEGAL ACTIONS TO CERTAIN TIME PERIODS AFTER THE ADOPTION OF A TAXING DISTRICT'S BUDGET TO WHICH THE NOTICE RELATED AND THE REGULARITY OF SUCH NOTICE SHALL BE CONCLUSIVELY PRESUMED; AMENDING SECTION 63-308, IDAHO CODE, TO PROVIDE ADDITIONAL INFORMATION TO BE INCLUDED ON VALUATION ASSESSMENT NOTICES FURNISHED TO PROPERTY TAXPAYERS; AND PROVIDING EFFECTIVE DATES.

**S 1469**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE GENERAL BOARDS FOR FISCAL YEAR 2007; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2007; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO PROVIDING AN AUTHORIZED AGENT FOR THE ATHLETIC COMMISSION; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO INTERAGENCY BILL PAYMENTS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN BALANCES EXISTING ON JULY 1, 2006; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

**S 1468** and **S 1469** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 713**, as amended, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

**H 561**, as amended in the Senate, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

**H 770**, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

**S 1389**, as amended in the House, by Health and Welfare Committee, was read the first time at length and filed for second reading.

**H 829, H 830, and H 831**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 822** and **H 825**, by State Affairs Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**HCR 50**, as amended, by State Affairs Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 753**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 570**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 778**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 834**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 814**, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

Senator Stegner was recorded present at this order of business.

**H 819**, by Appropriations Committee, was read the second time at length and filed for third reading.

**H 760**, as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading, Consent Calendar.

**S 1458, S 1459, S 1460, S 1461, and S 1463**, by Finance Committee, were read the second time at length and filed for third reading.

**H 754, H 756, H 757, H 726, H 744, and H 765**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1377**, by Education Committee, was read the second time at length and filed for third reading.

**H 630**, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Goedde, granted by unanimous consent, **H 723** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Bunderson, granted by unanimous consent, **H 678** and **H 679** were recommitted to the Local Government and Taxation Committee.

**H 801** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 801** passed, title was approved, and the bill ordered returned to the House.

**H 802** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 802** passed, title was approved, and the bill ordered returned to the House.

**H 803** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 803** passed, title was approved, and the bill ordered returned to the House.

**H 804** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 804** passed, title was approved, and the bill ordered returned to the House.

**H 805** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 805** passed, title was approved, and the bill ordered returned to the House.

**H 421**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Langhorst, Corder, and Hill arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Clark (Burkett), Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk. Total - 28.

NAYS--Burtenshaw, Cameron, Darrington, Geddes, Little, Stegner, Williams. Total - 7.

Paired and voting included in roll call:

AYE - Bunderson      NAY - Burtenshaw

Total - 35.

Whereupon the President declared **H 421**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 422**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 422**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 743** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Keough arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 22.

NAYS--Andreason, Brandt, Clark (Burkett), Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 12.

Absent and excused--Bunderson. Total - 1.

Total - 35.

Whereupon the President declared **H 743** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 5 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 5 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Burtenshaw, Schroeder, and Stegner, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

Senators Burtenshaw, Schroeder and Stegner were recorded present at this order of business.

**H 808** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 808** passed, title was approved, and the bill ordered returned to the House.

**H 809** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 809** passed, title was approved, and the bill ordered returned to the House.

**H 810** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 810** passed, title was approved, and the bill ordered returned to the House.

**H 811** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 811** passed, title was approved, and the bill ordered returned to the House.

**H 812** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 812** passed, title was approved, and the bill ordered returned to the House.

**H 813** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 813** passed, title was approved, and the bill ordered returned to the House.

On request by Senator McGee, granted by unanimous consent, **S 1456** retained its place on the Third Reading Calendar for one legislative day.

**S 1457** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--Schroeder, Stennett. Total - 2.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1457** passed, title was approved, and the bill ordered transmitted to the House.

**H 650**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 650**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 776** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton, Broadsword, and Darrington arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 776** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Goedde, granted by unanimous consent, **H 723** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

### General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1441** without recommendation, amended as follows:

### SENATE AMENDMENT TO S 1441

#### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 8, delete "Chapter 2, Title 5" and insert: "Chapter 8, Title 6"; and in line 10, delete "5-249" and insert: "6-808"; in line 11, delete "5-249" and insert: "6-808"; in line 13, delete "action" and insert: "liability"; and delete lines 17 through 21 and insert:

"(2) The court shall award reasonable attorney's fees and costs incurred by the defendant in any civil action raising any of the affirmative defenses specified in subsection (1) of this section."

### CORRECTIONS TO TITLE

On page 1, in line 2, delete "CHAPTER 2, TITLE 5" and insert: "CHAPTER 8, TITLE 6"; in line 3, delete "5-249" and insert: "6-808"; in line 4, delete "ACTIONS" and insert: "LIABILITY"; and in line 6, delete "OTHER EXPENSES" and insert: "COSTS".

The Committee also has **S 1387, S 1241, S 1448**, and **H 723** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1441**, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:05 p.m. until the hour of 9:30 a.m., Friday, March 24, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary